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**ZONING CHANGE REVIEW SHEET**

**CASE:** C14-2010-0168 (Weirdo's 2)

**Z.A.P. DATE:** December 7, 2010

**ADDRESS:** 2900 O'Neal Lane

**OWNER/APPLICANT:** Sharon Ma / Weird Times, LLC (Jesse Fortney)

**AGENT:** Coats Rose Yale Ryman & Lee (John M. Joseph)

**ZONING FROM:** GR      **TO:** CS-1      **AREA:** 0.8 acres (1,266 sq. ft.)

**SUMMARY STAFF RECOMMENDATION:**

The staff's recommendation is to grant the applicant's request for CS-1, Commercial-Liquor Sales District, zoning.

**ZONING AND PLATTING COMMISSION RECOMMENDATION:**

**DEPARTMENT COMMENTS:**

The property in question is developed with a single-family residence that is currently being used as an office for a construction sales and services business (KJ Construction). The applicant is requesting to rezone the property to CS-1 for possible expansion of the adjacent cocktail lounge use.

The staff recommends the applicant's request for CS-1 because the property in question meets the intent of the Commercial-Liquor Sales district. This tract of land fronts onto an arterial roadway, Mopac Expressway South Bound. The proposed rezoning will be compatible with surrounding land uses as there are commercial uses to the north, south and east of the site. The CS-1 district would allow the applicant to utilize an existing restaurant structure to allow for new commercial uses on the site.

The property in question is part of the North Lamar Area Study, which was approved by the City Council on October 3, 1985. The area study recommends Commercial land use for this site.

The applicant agrees with the staff's recommendation.

**EXISTING ZONING AND LAND USES:**

	<b>ZONING</b>	<b>LAND USES</b>
<i>Site</i>	GR	Office/Construction Sales and Services Use (KJ Construction)
<i>North</i>	GR	Restaurant (Weirdo's)
<i>South</i>	RR	Office for Light Manufacturing Use (Denis Steel), Convenience Storage (North Mopac Mini Storage)
<i>East</i>	GR	Undeveloped Area
<i>West</i>	RR	Outdoor Sports and Recreation (Baseball Field)

**AREA STUDY:** North Lamar Area Study

**TIA:** Not Required

**WATERSHED:** Walnut Creek

**DESIRED DEVELOPMENT ZONE:** Yes

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CAPITOL VIEW CORRIDOR: N/A

HILL COUNTRY ROADWAY: N/A

**NEIGHBORHOOD ORGANIZATIONS:**

- Austin Independent School District
- Austin Monorail Project
- Austin Neighborhoods Council
- Austin Parks Foundation
- Homeless Neighborhood Association
- Home Builders Association of Greater Austin
- League of Bicycling Voters
- North Growth Corridor Alliance
- Northwood Neighborhood Association
- Sierra Club, Austin Regional Group
- Super Duper Neighborhood Objectors and Appealers Organization
- The Real Estate Council of Austin, Inc.
- Walnut Crossing Neighborhood Association

**CASE HISTORIES:**

NUMBER	REQUEST	COMMISSION	CITY COUNCIL
C14-03-0160: 3100 West Parmer Lane	DR, RR to SF-2	12/16/03: Approved SF-2-CO zoning, with condition limiting the site to 38 residential units (7-1, J. Martinez-Nay, C. Hammond-absent); J. Cortez-1 <sup>st</sup> , M. Whaley-2 <sup>nd</sup> .	1/15/04: Approved ZAP rec. of SF-2-CO by consent (6-0, McCracken-off dias); all 3 readings
C14-00-2145	IP to IP-CO	8/15/00: Approved staff rec. of IP-CO (8-0), with conditions that terms of 12/20/99 MTG/Agreement between applicant and neighborhood association be part of the zoning (8-0, SA-Off dias)	9/28/00: Approved IP-CO (7-0); 1 <sup>st</sup> reading
C14-93-0093	GR-CO to SF-6	8/17/93: Approved SF-6 (5-0)	9/2/93: Approved SF-6 (5-0); all 3 readings
C14-93-0049	DR to MF-2	6/29/93: Postponed indefinitely (8-0)	12/29/93: Administrative- Expired
C14-93-0046	SF-6 to MF-3	11/16/93: Postponed by staff/applicant to 11/30/93 (6-0)	11/18/93: Withdrawn by applicant
C14-85-149: The North Lamar Area Study Rezoning		12/15/98: Approved staff's rec. of restrictive covenant amendment (7-0)	1/14/99: Approved PC rec. of amending restrictive covenant w/conditions (7-0)

**RELATED CASES:** C14-85-149 – North Lamar Area Study Rezonings  
C8-92-0112.0A - Subdivision

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**ABUTTING STREETS:**

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Oneal Lane	64'	30'	Collector	No	No	No
Mopac	Varies	FWY 6	FWY	No	No	No

**CITY COUNCIL DATE:**

**ACTION:**

**ORDINANCE READINGS:** 1st

2<sup>nd</sup>

3<sup>rd</sup>

**ORDINANCE NUMBER:**

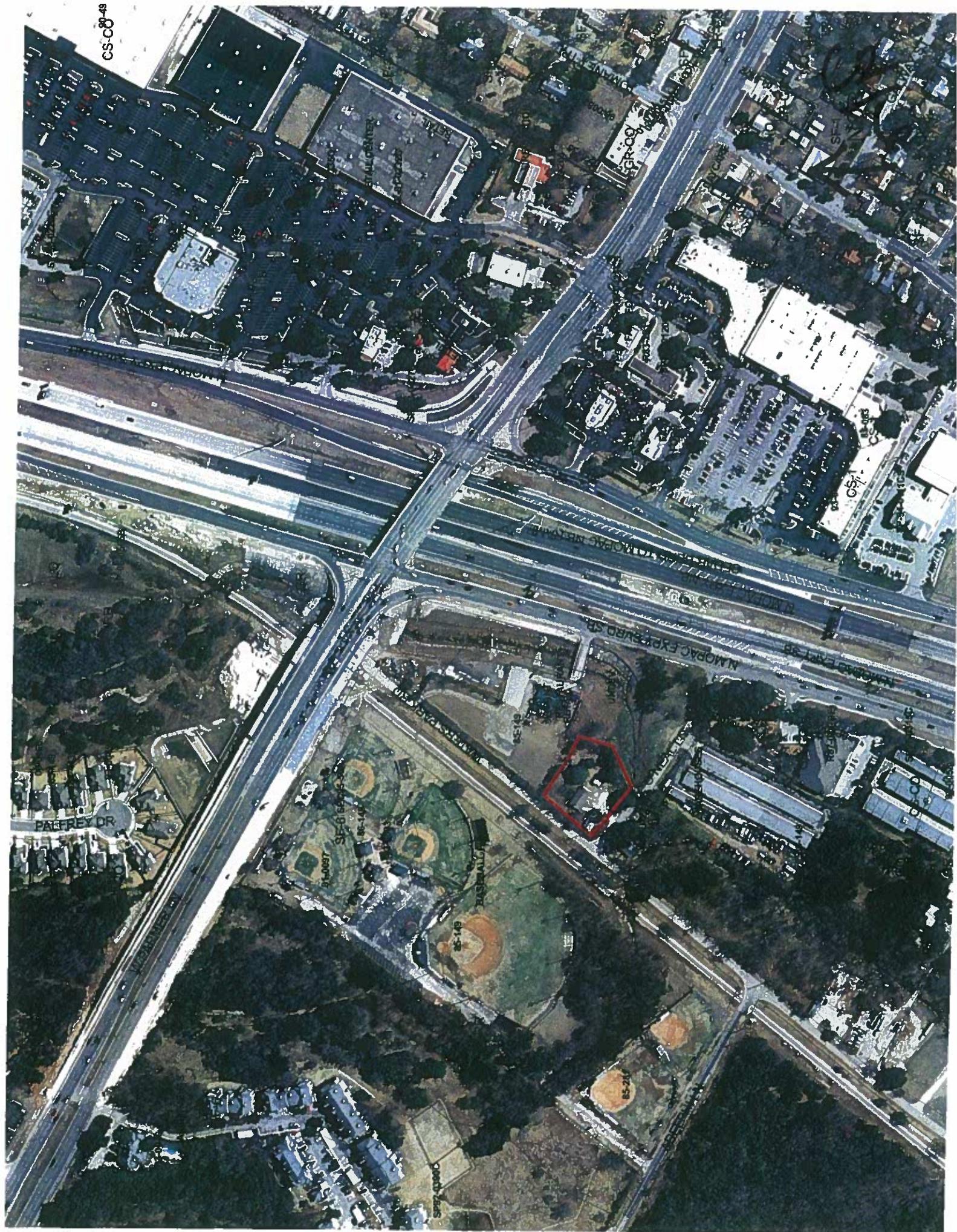
**CASE MANAGER:** Sherri Sirwaitis

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[sherri.sirwaitis@ci.austin.tx.us](mailto:sherri.sirwaitis@ci.austin.tx.us)





CS-15/16  
NORTH



CS-C0-49

PAFFREY DR

N. MOJAVE EXP. BLVD. SR. 99

85-148

86-147

85-148

86-147

CS-C0-49

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**STAFF RECOMMENDATION**

The staff's recommendation is to grant the applicant's request for CS-1, Commercial-Liquor Sales District, zoning.

**BASIS FOR RECOMMENDATION**

1. *The proposed zoning should be consistent with the purpose statement of the district sought.*

The Commercial-Liquor Sales (CS-1) district is intended for the development of a commercial or industrial use of a service nature that has operating characteristics or traffic service requirements that are incompatible with residential environments.

This tract of land fronts onto North Mopac Expressway, a major arterial roadway.

2. *The proposed zoning should promote consistency and orderly planning.*

The CS-1 zoning district would be compatible and consistent with the surrounding uses because there are commercial uses to the north, south and east of this site.

The applicant's request is consistent with the commercial land use designation for this property in the North Lamar Area Study.

3. *The proposed zoning should allow for a reasonable use of the property.*

The CS-1 zoning district would allow for a fair and reasonable use of the site as it will allow for additional commercial uses to be developed on the site. The size of the proposed area meets the minimum lot requirements for the proposed zoning designation.

**EXISTING CONDITIONS**

**Site Characteristics**

The site under consideration is developed with a single-family residence that is currently being used as an office for a construction sales and services business (KJ Construction). The property to the north is developed with a restaurant/bar use (Weirdo's). To the south, there is another office for a light manufacturing business (Denis Steel) and a convenience storage use (North Mopac Mini Storage). To the west, there is a parking area and the frontage road for Mopac Expressway Southbound. The tracts of land to the east are developed with baseball fields.

**Impervious Cover**

The maximum impervious cover allowed by the CS-1 zoning district would be 95%. However, because the watershed impervious cover is more restrictive than the zoning district's allowable impervious cover, the impervious cover is limited by the watershed regulations.

Under current watershed regulations, development or redevelopment on this site will be subject to the following impervious cover limits:

<i>Development Classification</i>	<i>% of Net Site Area</i>	<i>% with Transfers</i>
Single-Family	50%	60%

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(minimum lot size 5750 sq. ft.)		
Other Single-Family or Duplex	55%	60%
Multifamily	60%	70%
Commercial	80%	90%

Note: The most restrictive impervious cover limit applies.

**Environmental**

The site is not located over the Edwards Aquifer Recharge Zone. The site is in the Desired Development Zone. The site is in the Walnut Creek Watershed of the Colorado River Basin, which is classified as a Suburban Watershed by Chapter 25-8 of the City's Land Development Code.

According to flood plain maps, there is a floodplain within the project boundary. Based upon the close proximity of flood plain, offsite drainage should be calculated to determine the exact location of the boundaries. No development is permitted in the Critical Water Quality Zone, while impervious cover is limited to 30% in the Water Quality Transition Zone.

Standard landscaping and tree protection will be required in accordance with LDC 25-2 and 25-8 for all development and/or redevelopment.

Trees will likely be impacted with a proposed development associated with this rezoning case. Please be aware that an approved rezoning status does not eliminate a proposed development's requirements to meet the intent of the tree ordinances. If further explanation or specificity is needed, please contact the City Arborist at 974-1876. At this time, site specific information is unavailable regarding other vegetation, areas of steep slope, or other environmental features such as bluffs, springs, canyon rimrock, caves, sinkholes, and wetlands.

Under current watershed regulations, development or redevelopment on this site will be subject to the following water quality control requirements:

- Structural controls: Sedimentation and filtration basins with increased capture volume and 2 year detention.

At this time, no information has been provided as to whether this property has any pre-existing approvals that preempt current water quality or Code requirements.

**Transportation**

No additional right-of-way is needed at this time.

A traffic impact analysis was not required for this case because the traffic generated by the proposed zoning does not exceed the threshold of 2,000 vehicle trips per day. [LDC, 25-6-113]

Existing Street Characteristics:

Name	ROW	Pavement	Class	Sidewalk?	Bus Route?	Bike Route?
Oneal Lane	64'	30'	Collector	No	No	No
Mopac	Varies	FWY 6	FWY	No	No	No

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**Water and Wastewater**

The landowner intends to serve the site with City of Austin water and wastewater utilities. The landowner, at own expense, will be responsible for providing any water and wastewater utility improvements, offsite main extensions, utility relocations and or abandonments required by the land use. If improvements are needed a water and wastewater utility plan must be reviewed and approved by the Austin Water Utility for compliance with City criteria. All water and wastewater construction must be inspected by the City of Austin. The landowner must pay the City inspection fee with the utility construction. The landowner must pay the tap and impact fee once the landowner makes an application for a City of Austin water and wastewater utility tap permit.

**Stormwater Detention**

At the time a final subdivision plat, subdivision construction plans, or site plan is submitted, the developer must demonstrate that the proposed development will not result in additional identifiable flooding of other property. Any increase in stormwater runoff will be mitigated through on-site stormwater detention ponds, or participation in the City of Austin Regional Stormwater Management Program if available.

**Compatibility Standards**

Define area of cocktail lounge by shaded area on site plan. Refer to certified field notes and define boundaries of CS-1 zoning footprint.

A Cocktail Lounge and Outdoor Entertainment are both Conditional Uses in CS-1 zoning, and a Conditional Use Site Plan permit will require approval from a Land Use Commission.